

DOCKET FILE COPY ORIGINAL
DOCKET FILE COPY ORIGINAL

TESTIMONY FOR THE RECORD
MM Docket No. 87-268

RECEIVED
NOV 19 1996
FCC ROOM

In the matter of: Advanced Television systems and their impact upon the Existing Television Broadcast Service.

1. Attached hereto are the comments of the Blue Mountain Translator District Technical Director. His comments cover many of the issues and concerns of the Blue Mountain Translator Board of Directors. We also comment in this Testimony for the Record Document.

2. As previously stated by most of the Commission members, a basic objective of the commission is insure that "free over the air TV" will be available to all.

In addition, the commission has taken the position that Digital TV will assist in achieving that objective. The problem for Translator Stations is that irrespective of when the conversion takes place, both the public and the stations must acquire additional or new equipment so as to be able to use the digital signals.

When channels 60-69 and 52-60 are no longer available for translator use, all present translator equipment must be upgraded or changed. This means the translator systems would be required to upgrade twice. Once to different channels, and again for digital.

For the "not for profit" translator operators the FCC by rule should require that funds be made available to such systems from the proceeds of sale of the channel spectrum. In addition a portion of the sale price would be invested in a sinking fund that would be used to assist the operators in upgrading the systems to digital TV.

3. Satellite TV of all persuasions is a "subscriber paid service". By no stretch of imagination can it be considered "free over the air TV". At the present time, the small dish 'digital' TV is the most sold system. This means that digital TV is already available, but only on a subscriber paid system.

The commission should address the problem of the small dish delivery system supplying network TV in areas that are already covered by translator systems supplying network programming in the area.

Rule(s) should be adopted that make it clear that network programming available on an "over the air" basis can not be additionally provided by any satellite delivery system in the translator covered area.

4. As general comments we supply the following: The present drive to create government revenue from sale of "over the air" spectrum should be further considered. The sale program in the present configuration, the frequency is sold and the owner can use it as long as they want as long as FCC rule and statutory provisions are met. It would be much better if the sale was structured more as a "franchised use" instead of an outright sale. The frequency is sold with a clause that if the buyer is a "for profit" buyer a certain percentage of gross revenue will be paid to the government each year. Such payment would not be allowed as a business expense for federal tax purposes. Such a system would maximize the return of income to the government from sale of the broadcast spectrum and assist in assuring that the concept of "free over the air TV" as supplied by the "not for profit" translator system or low power TV stations, will be viable and strong into the foreseeable future [when proposal 2 above is adopted].

Respectfully submitted,

Cecil McDonald

Cecil McDonald, President

No. of Copies rec'd
List ABCDE

16 copies

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast)
Service)

COMMENTS OF BLUE MTN. TRANSLATOR DISTRICT
P. O. BOX 901-0109
LA GRANDE, OR. 97850

1. As a director of the Blue Mtn. Translator District of Union and Baker Counties, Oregon organized under Special Districts authorized by the Oregon Legislature in 1979, we are authorized by the originating network stations located in Portland, Oregon and Boise, Idaho to rebroadcast their programing. All television stations are licensed by the FCC to serve the Public Interest where ever possible within the limits of the stations licensed power. We as a translator "not-for-profit" corporation located in Union and Baker Counties [in the mountains of Eastern Oregon] are licensed by the FCC so as to assist the Oregon Stations located in Western Oregon [on the Western side of the Cascade mountain range] to assist the commercial stations in upholding the intent and objective of the Communications Act of 1934. There is no question that as passed by Congress; the intent was to provide in state news, emergency broadcast, and public service programs to all state residents. We provide UHF Translator TV broadcast services to the Rural and City residents of our area from inaccessible mountain tops. In many instances they are upwards of 7000' in elevation. They are snowed in up to nine months of the year thus creating a condition of horrendous cost to maintain and operate. All of our services are carried by the small town Cable systems. TCI carry two of our UHF Translators on their La Grande, Union, and Baker City Cables. Local cable systems operating in some of the smaller communities use our services to supply programming on their cable systems. They all claim exemption for not having to support the cost of bringing the signals into the area, based on a 1976 FCC Cable ruling for our District which was based on previous Cable/Broadcast court cases that exempted cable from sharing cost of Translator broadcast services they use.

In Union and Baker Counties a good 80% of the population live within our franchised Cabled Cities and surrounding area with homes close enough to feasibly cable.

Unless a method of sharing cost of these services are addressed by the FCC, we see no way of implementing the proposed FCC advanced systems proposal which includes auctioning off channels 60-69 now and 52-60 later. (As reported in the local newspapers, the 96-97 federal budget reconciliation act requires the sale of this spectrum.

11. If we are sincere about implementing the FCC proposed advanced systems, it is essential that we first modify the FCC rules so that cable systems follow Common Law that dates back to the Magna Carta signed by King John of England on June 12, 1215. This signing established a Constitution principal guaranteeing rights which to this day have stood the test of social and political pressures and realities of history. It is our understanding that under Common Law, which is based on Fairness and Equity, a for profit entity cannot use the services of a Not for Profit entity, unless the for profit entity, share costs of the service, on a not for profit [to the Not For Profit entity] cost share basis.

Our Communications Act of 1934 mandates that the Public Interest which includes the poor and disadvantaged living within our franchised Cabled Cities must be served. In real life, the Public Interest is very much alive in all our communities in the form of widows with children, elderly women with invalid husbands, the retired elderly, and young families who cannot afford Pay Subscription TV.

In 1976 the City of Los Angeles took Cable to court over pornographic movies they carried on their systems. Cable won on the grounds that they had the right to carry pornographic movies based on our Constitution's first Amendment. As a result of that court case Congress deregulated the Broadcast Industry which legalized sex and violence on our Television screens. This case clearly was in violation of our Christian/Judo rules as laid out in Mose's ten Commandments governing human behavior. The FCC tried to correct this with their rules governing indecent broadcast and rules to enforce them. In real life it was a case of trying to lock the stable door after the horse was stolen. To this day, sex and violence on TV has been a problem resulting in; run away teen age pregnancies and children violence [as expressed] in present "drive by shooting" for no real reason. Our Welfare, Court, and Penal cost are out of control as a result. [Recent studies back up this assertion. Please see our previous comments wherein we attached a recent Readers Digest publication of such study.]

Today Translator TV stations that serve the Public Interest in the hinterlands, outside the coverage area of our Commercial stations cannot survive, unless Common Law [and as previously stated in our previous comments are recognized in practice.] Present auxiliary TV Broadcast services rules now allow, on a MAY share cost basis, for Translator systems providing service in a area to be paid by those who use their transmissions for making a profit. This situation must be changed. The rules must be changed that anyone making a profit from the use of services provided by a "not for profit TV system must share in cost of providing the service in the area."

III. The TV Broadcast spectrum, in central and eastern Oregon, is being used in its entirety. Any changes would disstablize the present interference free signals as now being provided. There are problems of trying to find space in our present UHF spectrum for more services. In our mountainous area we have been fortunate for being able to live with interference free signals using terrain

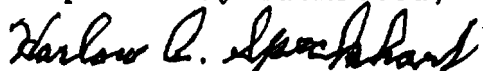
shielding between our various communities. Between the Blue Mtn's of Eastern Or. and the Cascade Mountain ranges of Western Oregon lays a plain that extends to Central Washington where we experienced objectionable interference off the back side of the pattern of Translator TV stations in the Moses Lake area of Central Washington with Translators located in central Oregon over one hundred miles away. It took years of trial and error between our various communities to develop our present use of the UHF spectrum with manageable interference between communities. The present proposal to auction off Ch. 60 to 69 under these circumstances has the promise of a nightmare for keeping reliable broadcast services open for our various rural communities of N. E. Oregon.

IV. We cannot ignore the 80 year economic cycles which historically have ran for many century back as recorded history. The last manifestation occurred in the early 1930s (the great depression) that brought our Country to it's knees, both socially and economically. Agriculture which is a bell wether of the state of our economy, took a dip in net earnings of 28% in 1995 nation wide and 35% in Oregon due to inflated input cost for machinery, fuel, fertilizer, etc. The present situation is the worst since the great depression of the 1930s. Our personal and governmental debt is out of hand and cannot be ignored.

Digital TV will require recapitalization of our TV broadcast industry from the home receiver to the most sophisticated TV broadcast stations. A major depression is the worst time to be caught in such a situation from a social and economic point of view. Inflation has not subsided and too many of our Citizens buy their goods and services based on their ability to meet their monthly payments and not on their ability as whether they can afford it.

V. There is much to be said for Digital TV and the Advanced Television technology, but lets not shoot ourselves in the foot at this point in time considering our historical economic and social cycles. None of us want to see the collapse of our present way of life as occurred when the Roman and Greek empires and other civilizations collapsed. Historically, collapse of Civilizations have been caused by immorality within their own country and not from other Countries. To rectify the present trend of where TV is going the FCC must adopt the necessary rules to protect the Translator Districts and systems from being forced off the air because of inability to charge all who use the translator services. In addition the present FCC rules as to programing content [note that President Clinton addressed this issue. The small step accomplished by his efforts must be recognized. However, as more and more studies are made it is becoming apparent that TV content has a major impact on social conduct especially for children.

Respectfully submitted,



Harlow A. Speckhart, Technical Director BMTD

P. S. I was born in 1918 on a family farm near Quincy, Ill., home of Gates Radio, now Harris Intertype Co. that manufactures Radio and TV Transmitters. Members of our family have been employed by these Companies ever since their formation over 50 years ago. I earned a Bachelor of Science in Agriculture with a major in economics from the University of Missouri in 1940, married and moved to La Grande, Or. in 1942 and have farmed here ever since. I'm an elder in the Presbyterian Church, served on the La Grande School budget Committee for 13 years, served as Union County Farm Bureau President for six year during which time was active in the Oregon Farm Bureau and American Farm Bureau Federations getting Farm Use Values written into our Federal Inheritance Tax Laws for family farms. I served on the Pendleton, Or. Farm Credit Bank board for eleven years with six years on the Farm Credit Advisory Committee to the Spokane, Wash. Farm Credit Bank. I have been involved in Translator TV for Union and Baker Counties since 1955 and presently serve on the National Translator Assn. board of Directors.